

# **Customer Feedback Policy**

**Updated 2022**

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# The complaints policy

## 1.1 Complaints

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the council, our staff, or those acting on its behalf, affecting an individual resident or group of residents.

Either the customer or the council can decide to deal with a matter as a complaint. However, customers sometimes use the term “complaint” to report problems or raise issues. Where these don’t meet the definition of a complaint above, these should be dealt with as a request for service.

## 1.2 Requests for service

If an issue can be dealt with quickly, and the customer satisfied, there is no need to carry out an investigation.

Such issues, which include simple requests for service, such as reporting a missed bin collection or an unmown verge, should not be processed through the formal complaints system so long as:

- (a) the person receiving the feedback is able to provide an assurance of action or information that satisfies the customer; and
- (b) there is a recording system to enable the number and subject matter of such issues or requests for service to be quantified.

## 1.3 Matters that we will not investigate under this policy

There are some matters that we will not investigate under this policy. More guidance may be found on some of these matters elsewhere in this policy:

- Requests for service (as outlined in paragraph 1.2 above).
- Matters that are not the responsibility of the council.
- Complaints against members
- Complaints from MPs
- Matters where we have received an insurance claim
- Matters subject to legal action
- Where there is a statutory procedure or right of appeal through an alternative process
- Where the persistent contact/vexatious complaints procedure has been invoked.
- We will not normally accept anonymous complaints. However we may choose to accept an anonymous complaint, for example if the matter is serious and the complainant has a clear reason to remain anonymous.

Where we decide not to accept a complaint, a detailed explanation must be provided to the resident setting out the reasons why the matter is not suitable

for the complaints process and the right to take that decision to the Ombudsman. This does not apply to requests for service, if the persistent contact policy is in force or for matters that are not the responsibility of the council.

#### **1.4 Receiving complaints**

Complaints can be submitted by any resident or business, or any other individual or organisation who has had any relevant interaction with the council. If they choose, complainants may also ask a friend, relative or other advocate to submit a complaint on their behalf. In these circumstances we will normally expect to see a signed authorisation to deal with the advocate.

A complaint does not have to be identified as a complaint. As long as it meets the definition of a complaint it should be treated as one, however it was received.

We should expect to receive complaints via any channel. However, where a complaint has been received on social media it will normally be appropriate to refer the resident to the complaints form on the website, where all of the details including any sensitive information can be submitted. We should not ask customers to provide sensitive information or personal details via social media.

All customer feedback will initially be handled by the Customer Service Centre or reception. Anyone receiving a complaint shall immediately forward it to the Customer Service Centre. The Customer Service Advisors will log the complaint.

#### **1.5 Acknowledgement letter**

An acknowledgement letter will be sent within five days of receipt of complaint, either by email or letter, depending on how the complaint was received.

#### **1.6 Alternative procedures**

The complaints procedure should not be used where there are statutory procedures for dealing with the complaint or where there is a right of appeal through an established procedure for the subject matter of the complaint.

#### **1.7 Complaints where there is an insurance claim or potential insurance claim**

Complaints of this nature can be categorised within one of three distinct groups and should be handled as follows:-

##### **There is a Potential Insurance claim**

The complaint will be investigated by the appropriate service. The original letter is passed to the Corporate Assurance Team for record purposes only and the complaint is dealt with in the normal way. If there is an issue then the

officer investigating the complaint should liaise with the Corporate Assurance Team before issuing a letter.

### **There is an Insurance Claim**

The original letter **must** be passed directly to the Corporate Assurance Team. No-one else should respond to this letter. The Corporate Assurance Team will write to the claimant and explain that their letter has been passed to the Council's claims handler to deal with.

### **Complaint against employee and claim for damage**

The original letter should go to the Corporate Assurance Team and a copy should be given to the Customer Service Centre who will register it as normal. Both will respond to the letter covering their respective area of responsibility, i.e. complaint and claim.

## **1.8 Complaint about matters which are the subject of current legal action**

When legal action about the specific subject of a complaint is in progress, the court should be allowed to resolve the matter and the complaint should not be investigated as a formal complaint.

When such complaints are received, the Communications Team will write to the complainant explaining this and stating that the complainant may submit a formal complaint after the court action if he or she is still not satisfied with the Council's actions or inaction. This does not mean that no action at all must be taken regarding the complaint. Sometimes, complaints contain new information that the Council would want to take into account. The Communications Team should therefore give details of the complaint to the Chief Officer or service manager of the service which is the subject of the complaint, with a copy to Legal Services.

## **1.9 Incidents of Discrimination**

If the incident complained about is regarding an allegation of discrimination against the organisation or an individual, the person taking the complaint must identify this when registering the complaint.

If the complainant thinks the incident is motivated by discrimination but staff do not, or vice versa, it should still be investigated as a discriminatory incident. For further guidance on definitions, see Appendix A.

If the complaint has a discrimination allegation the Communications Team will decide the most appropriate action to be taken regarding the investigation.

## **1.10 Investigation**

The complaint will be forwarded to the Manager/Team Leader of the relevant service area for investigation.

A complaint should be resolved at the earliest possible opportunity, having assessed what evidence is needed to fully consider the issues, what outcome would resolve the matter for the resident and whether there are any urgent

actions required. In any case, complaints should be responded to within 15 working days.

Investigations must be carried out in an impartial manner. Where there is a conflict of interest, or where there could be a perception of a conflict of interest in the eyes of a reasonable person, then the Manager/Team Leader should identify an alternative Manager or Team Leader to carry out the investigation.

The Manager or Team Leader must:

- deal with the complaint on its merits;
- act independently and have an open mind;
- consider all information and evidence carefully;
- keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter;
- seek the views of any staff who were involved, where appropriate.

It may be necessary to contact the complainant to seek clarification of the initial matters raised or to seek additional information etc.

It is essential to progress complaints quickly and efficiently. The Communications Team will monitor responses and actions on complaints with the Manager responsible. Where it is evident that a target time will not be met, the complainant should be kept up to date and given a timescale as to when they can expect a response. For complaints relating to a tenancy, if the complainant does not accept the revised timescale they should be given the contact details of the Housing Ombudsman so that the resident can challenge our plan for responding should they choose to do so.

The final response, signed by the Manager/Team Leader, should be forwarded to the Communications Team for sending out. The response will be attached to the Complaints Management system and a category and learning outcome will be recorded.

The categories are:

<b>Category 1</b>	The Council's actions were justified on legal grounds  <b><i>There was no legal alternative for the Council</i></b>
<b>Category 2</b>	The Council acted in accordance with its own policies or standards  <b><i>Actions were in accordance with Council standards or policies</i></b>
<b>Category 3</b>	Procedures were followed but a change in procedure would have prevented the complaint  <b><i>Our processes or procedures need updating</i></b>
<b>Category 4</b>	The Council's procedures were not followed, or standards were not met, or errors were made <b><i>The Council failed to meet its service standards</i></b>

See Appendix C for examples of the above categories.

### 1.11 Response Times

<b>Complaints</b>	<b>Working days from receipt</b>
Acknowledgement letter	5 days
Full response letter	15 days
<b>Appeals</b>	
Acknowledgement letter	5 days
Full response	15 days

The above table details **maximum** response times in working days for replies to be posted, counted from the date on which the Council first receives the complaint. If it becomes evident that these will not be met, the complainant should be advised **before** the time limit is reached.

### 1.12 Complaints where there are Services involved other than the one receiving the feedback

If the complaint relates to more than one service area, the service area with primary responsibility will co-ordinate the response.

The most important concern is that the customer is never “passed around”. This consideration takes priority over any service difficulties or disputes.

### 1.13 Complaints about individual officers

Complaints about the behaviour of individual officers should be referred to the Manager. Proper regard must be had in such cases to the disciplinary procedure, which may in some cases come into operation at the same time. The Executive Director handles complaints about Chief Officers.

### 1.14 Complaints about financial impropriety

Such complaints will refer the matter to the Executive Director who will consider the handling of the matter and the involvement of the Corporate Assurance and Improvement Manager.

### 1.15 Complaints from Councillors

Complaints made by elected members are investigated and responded to by the Manager of the service complained against. This applies to all complaints by councillors, regardless of whether they are complaining on behalf of someone else. The complaints should be logged in the usual way.

### **1.16 Complaints from MPs**

Complaints made by MPs are investigated and responded to by the Chief Officer of the service complained against. This applies to all complaints by MPs, regardless of whether they are complaining on behalf of someone else. The complaints should be logged by the PA team. Chief Officers should sign all responses to MPs.

### **1.17 Complaints about the conduct of Councillors**

The Complaints Procedure is not used for complaints about the conduct of councillors. These must be referred to the Council's Monitoring Officer.

### **1.18 Repeat complaints**

Where a complainant receives a reply to a complaint and then resubmits another similar complaint, this subsequent complaint should be treated as an appeal. If the complaint has already been to appeal, the complaint should not be reinvestigated under the feedback procedure unless there is new information that could not previously have been available to the complainant. The complainant should be advised of the option of submitting their complaint in writing to either the Local Government and Social Care Ombudsman or in the case of a housing tenant, complaining about a housing issue, the Housing Ombudsman.

### **1.19 Persistent Contact/Vexatious complaints**

Where repeated complaints are received about the same issue the complaint could be considered to be vexatious, or be considered to be made only to annoy the council. If a thorough investigation of the issues has been undertaken and the complainant remains dissatisfied with the response and the officer feels that there is no more to be done to resolve matters, action can be taken to draw the complaint to a close using the Persistent Contact Procedure. More information on the Persistent Contact Procedure can be found on Sharepoint:

[https://rugby.sharepoint.com/sites/RBC/SitePages/Persistent-Contact-Procedure-\(DRAFT\).aspx](https://rugby.sharepoint.com/sites/RBC/SitePages/Persistent-Contact-Procedure-(DRAFT).aspx)

### **1.20 Follow-up complaints**

Where a complainant follows up a complaint with previously unmentioned matters that are within the general broad scope of the original complaint, they may be dealt with as part of the original complaint. It is not necessary to register a new complaint. In such cases the timescale for final reply may need to be extended.

The addition of new matters at the appeal stage (see Section 3) does not mean that the investigation has to start again. However, the new matters should be taken into account in investigating the appeal.



In the case of both follow-up and repeat complaints, action should be taken immediately to respond within the Council's established policies and service standards to any requests for service being made.

### **1.21 Complaints about Services that are not the responsibility of this Council**

Sometimes complaints are made regarding services (or aspects of services) over which this authority has no direct control. This may be because of misconceptions by the complainant, that the Council previously had responsibility for the service or because of partnership working, where duties and responsibilities are split. In all instances, the customer should still be given a response, ideally, during the first initial contact e.g. verbally by the Contact Centre.

Where there is a partnership arrangement, the complaint can be passed to the partner organisation, but the customer should be informed that this has been done and, where possible, contact details provided (name and telephone number etc. of the person the complaint has been passed to).

### **1.22 Remedies**

Effective dispute resolution requires a process designed to resolve complaints. Where something has gone wrong we must acknowledge this and set out the actions we have already taken, or intend to take, to put things right.

Any remedy offered must also consider the Duty to make reasonable adjustments for people with disabilities as per section 20, 21 and 22 of the Equality Act 2010.

Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the resident as a result. We must carefully manage the expectations of residents and not promise anything that cannot be delivered or would cause unfairness to other residents.

The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.

Any remedy proposed should aim to put things right for the resident. This will normally mean providing a service, amending a policy, and/or apologising. Sometimes, however, it will be appropriate to offer compensation.

In awarding compensation, we must consider whether any statutory payments are due, if any quantifiable losses have been incurred, the time and trouble a resident has been put to as well as any distress and inconvenience caused. Legal Services must be contacted for advice if the resident has a legal right to redress.

# Appeals

## 2.1 Purpose of the appeals procedure

The appeals procedure:

- allows an objective reassessment of the complaint
- avoids the need for complaints being referred to the Ombudsman
- ensures due consideration is being given to the complaint

## 2.2 The appeals procedure

Where a complainant is dissatisfied with the outcome of the investigation of a complaint, they can appeal to the Chief Officer of the relevant service. They should do this within 3 months of receiving the response to their initial complaint. An appeal should be responded to within 15 working days.

Where it is evident that a target time will not be met, the complainant should be kept up to date and given a timescale as to when they can expect a response. For complaints relating to a tenancy, if the complainant does not accept the revised timescale they should be given the contact details of the Housing Ombudsman so that the resident can challenge our plan for responding should they choose to do so.

The Chief Officer must ensure that they are able to carry out an objective review of the complaint. If they were involved in the first stage response, or could be perceived to have a conflict of interest, they should arrange for an alternate Chief Officer to determine the appeal.

The signed appeal response should be forwarded to the Communications team for sending out.

If the complainant is still not satisfied with the outcome of the complaint they can appeal to the Local Government and Social Care Ombudsman or, in the case of a \*housing tenant, the Housing Ombudsman. The complainant's right to appeal and the contact details will be provided in the appeal response letter.

## 2.4 \*Appeals regarding Housing Services

If a housing tenant is not satisfied with the outcome of an appeal investigation relating to the council's housing service, a complaint can be referred to a 'Designated Person' for consideration. Alternatively the complaint can be referred to the Housing Ombudsman, but not for at least eight weeks.

A designated person is defined as a Member of the House of Commons, a councillor of a local housing authority, or a designated tenant panel.

Advice should be given to the tenant on contacting their preferred "designated person".

# Non-complaint feedback

## 3.1 Types of non-complaint feedback

It is important that the Council learns not only from complaints but also from other types of feedback. To this end, it is necessary to record feedback in a way that will assist both quantitative and qualitative analysis.

Non-complaint feedback is placed in the following categories:

- comments
  - *remarks about Council services that do not express serious dissatisfaction*
- compliments
  - *where a customer indicates that the service provided has exceeded expectations*

See Appendix B for definitions and examples of the above categories.

Non-complaint feedback may be received in many ways, including telephone calls and letters.

Any non-complaint feedback should be passed to the-Communications Team who will record the feedback for monitoring purposes and then forward to the appropriate service so that the appropriate manager is informed. In the case of any individual who has been praised for good service the manager should ensure that the individual is made aware of the positive impact they have made.

# Using feedback

## **4.1 Learning within departments**

The purpose of feedback is to ensure each service learns from both complaints and comments.

Reports can be produced from the case management system to help assist managers and service providers to amend or develop processes, procedures and policies where necessary in order to reduce the likelihood of similar complaints being made.

# Publicity

## 5.1 Publicity

Details of the Customer Feedback Procedure will be published on the council's website.

Information on how to complain to the Ombudsman will be provided on the complaint acknowledgement letter and also on the appeal response letter. The LGSCO will not usually investigate complaints, until the council's complaints procedure has been exhausted.

The Local Government & Social Care Ombudsman can be contacted as follows:-

The Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH  
<http://www.lgo.org.uk/>

Housing Ombudsman Service, PO Box 152, Liverpool, L33 7WQ  
<http://www.housing-ombudsman.org.uk>  
[info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

## Appendix A

# Incidents of Discrimination

The Equality Act 2010 makes it unlawful to discriminate against someone because of their age, sex, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation. It applies to work (and with exception to marriage and civil partnership) to the provision of services, the exercise of public functions and in managing or letting premises.

### **The law prohibits;**

**Direct discrimination** – where someone is treated less favourably than another person because of a protected characteristic.

**Indirect discrimination** – this can occur when you have a rule or policy that applies to everyone but disadvantages a person with a particular protected characteristic.

**Discrimination by association** – this is direct discrimination against someone because they are associated with another person who possesses a protected characteristic.

**Discrimination by perception** – this is direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just be perceived to.

**Harassment** - this is behaviour that is deemed offensive by the recipient; unwanted behaviour relating to someone's protected characteristic(s).

**Victimisation** – this occurs when someone is treated badly because they have made or supported a complaint or grievance under this legislation.

### **Why should we collect data on discriminatory complaints?**

The general equality duty (section 149 of the Equality Act) requires public authorities, in the exercise of their functions, to have due regard to the need to:

Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.

Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.

Foster good relations between people who share a relevant protected characteristic and those who do not share it.

In addition, we can ensure that centrally and service unit level issues are recorded together with evidence of our actions and outcomes, so that we can learn from our experiences. It also means that should a case be taken against the council or we

are asked to provide information to the EHRC (European Human Rights Commission), for example, then we are able to do so.

**What needs to be recorded?**

Full details of the incident should be sent to the Communications Team along with all correspondence and notes.



# Appendix B

## Customer feedback categories

### Complaints

At the end of a complaint investigation, the complaint is placed in one of four categories:

#### **Category 1: The Council's action was justified on legal grounds**

This category is used for cases when a member of the public is dissatisfied but investigation clearly shows that there was no legal alternative for the Council.

##### ***Example***

*When my dog accidentally escaped, the Dog Warden took it to the kennels. It had its collar and address tag on so it could have been brought straight back to me*

The Council is required by law to kennel any dog found straying in a public place, regardless of whether its owner is known. The Council had no choice in the matter and the action was justified on legal grounds.

#### **Category 2: The Council's action was in accordance with its policies or standards**

This category is used where a customer is dissatisfied with the Council's service but investigation shows the Council's actions were in accordance with its standards or policies.

##### ***Example***

*I am unhappy that my window repair was not carried out within a week of reporting it.*

The Council's standard repair time for a window is four weeks. The repair was carried out in two weeks. Even though the customer was dissatisfied, the Council had met its standard.

If the Council were to receive a lot of complaints like this about the same matter, it might consider a change of policy or standards.

**Category 3: Procedures were followed but a change in the departmental procedure would have prevented the complaint**

***Example***

*A council tax officer breached data protection law by giving personal information to my brother over the phone.*

The council tax officer had checked the identity of the person he was talking to on the phone but the person at the other end of the line misled the council tax officer. One way of preventing this sort of complaint would be to stop conducting sensitive investigations over the phone. The benefits of making such a change would have to be weighed against the drawbacks. In practice, there is often overlap between complaints in this category and Category 2.

**Category 4: Complaint where errors were made or the Council’s standards were not met.**

In some cases there will be complaints where the Council has failed to meet its service standards.

***Example***

*I rang the Council four times this morning and each time no one answered, even though I let it ring for at least a minute*

*In this case, the Council’s standards were clearly not met, as the calls were not answered at all. It’s time to apologise and see what we can learn from what has happened.*

**Non-complaint feedback**

There are also two categories of non-complaint feedback:

**Comments**

Comments are remarks about Council services that do not express serious dissatisfaction. Matters can be recorded as comments where there is a negative tone but it is clear that the customer does not wish to complain formally. Comments are often more general in nature than complaints.

***Example***

*I don’t think Rugby’s streets are as clean as they were last year*

They can also include constructive observations about how Council services might be improved.

***Example***

*The Council should introduce a Christmas tree recycling scheme*

**Compliments**

A compliment is where the customer indicates that the service received has exceeded expectations. If a customer has made a point of writing or calling specifically to say thank you or to praise excellent service, this should be regarded as a compliment.

***Example***

*May I congratulate the Council on the way the parks look this year*

*A customer goes to the trouble of buying and sending a thank you card for a job well done!*

**COMPLAINT** received by Communications team, usually via Contact Centre

Acknowledgement letter & reference number issued within 5 working days.

Complaint logged on Flare and forwarded with standard letter template to service Manager/Team Leader for a response within 15 working days

Final response, signed by Manager/Team Leader forwarded to Communications team to send out (either via email or post)

**APPEAL** received via Communications inbox/post

Acknowledgement letter sent within 5 working days

Appeal logged on Flare and forwarded to service Chief Officer for a response within 15 working days

Final response\* signed by Chief Officer forwarded to Communications team to send out (either email or post)

\*Appeal response letters should contain details of the relevant Ombudsman if the complainant is dissatisfied with the response. Either the Local Government & Social Care Ombudsman, or for complaints from council tenants about housing issues, the Housing Ombudsman.